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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,946	08/04/2003	John W. Bostick	BOJO 8717US	5202
1688	7590	02/18/2005	EXAMINER	
POLSTER, LIEDER, WOODRUFF & LUCCHESI			KHAIRA, NAVNEET K	
12412 POWERSCOURT DRIVE SUITE 200			ART UNIT	
ST. LOUIS, MO 63131-3615			PAPER NUMBER	

3754

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,946

Applicant(s)

BOSTICK, JOHN W.

Examiner

Navneet Sonia Khaira

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on February 11, 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains: Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sena (US 4,023,711) in view Brody (US 4,805,812).

Referring to claim 1, Sena shows an actuating device for a pressurized dispenser with a pressurized dispenser handling portion comprising:

a flange (30) attached to a hollow cylindrical rod (10) attachment portion and the pressurized dispenser attachment (200) and actuator portion (60);

an actuator cable (20, Figure 1) attached at one end to the trigger (16, Figure 1) portion and at least partially disposed within an actuator cable sheath (Col 2, line 57, Figure 1) ; and

a rod (10, Figure 1) attached to the hollow cylindrical rod attachment portion (30) substantially according to claim 1, but does not show a pressurized dispenser attachment and actuator portion having a nose portion, and a trigger portion

Brody teaches to provide a pressurized dispenser attachment and actuator portion comprising:

a nose (24, Figure 6) portion adapted for coupling (Col 3, lines 49-52) the device to the dispenser by resiliently deforming to fit within the annular channel (26) of the pressurized dispenser (12); and

a trigger portion (36, Figure 6, Col 4, lines 4-7) operable to depress or release the actuating member (13) of the pressurized container (12) comprising a lever (32) having one end (34, Col 4) which, in use, is in contact with the actuating member (13, Figure 6, Col 4, line 6) of the pressurized dispenser and an opposite end (surface 36, Figure 6) which when operated causes the opposite end (34) to depress or release the actuating member (13, Col 4, lines 4-9) of the pressurized container (12) in order for the nose to provide means from removably attaching the device to the container and in order for the trigger to cause the free end to pivot downwardly and come into operative engagement against the actuating member.

It would have been obvious to one having ordinary skill in the art to have included the pressurized dispenser attachment and actuator portion of Brody in the actuating device for a pressurized dispenser of Sena in order to for the nose to provide means from removably attaching the device to the container and in order for the trigger to cause the free end to pivot downwardly and come into operative engagement against the actuating member as taught by Brody.

Referring to claim 2, Sena further discloses the rod (10) is a telescoping rod since the cable (20) is encased inside of it. It would be obvious to anyone skilled in the art to make the rod (10) a telescoping rod if an adjustable length rod were needed.

Referring to claim 5, Sena further discloses the flange (30, Figures 1 & 2) and rod (32, Figure 2) attachment portion may be rotated to change the angular orientation of the pressurized dispenser (Col 2, lines 62-67).

Referring to claim 6, Sena further discloses the flange (30) to the rod attachment (32, Figure 2) portion is accomplished by mating two rectangular pieces but it would have been obvious to anyone of ordinary skill in the art to apply any other shape such as triangular notches on the flange (30) and the rod attachment (32) portion, which when attached tightly by a fastener (34, Figure 2) keeps the flange (30, Figure 1) and the rod attachment (32, Figure 2) portion in a fixed relationship and when the fastener (34) is loosened to allow rotation (Col 2, lines 62-67) of the flange (30) with respect to the rod attachment (32, Figure 1) portion.

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sena (US 4,023,711) in view Brody (US 4,805,812) and further in view of Harrell (US 1,473,852).

Referring to claims 3 and 4, Sena and Brody disclose an actuating device for a pressurized dispenser with a handling portion, attachment and actuator portion substantially according to claim 3 and 4, but do not show the an actuator cable storage spool attached to the flange for storing the actuator cable when the device is not in use according to the claim.

Harrell teaches to provide an actuator cable storage spool (35) attached to a flange for storing the actuator cable in order to secure the desired cable portion and for discharging the fluid from the container.

It would have been obvious to one having ordinary skill in the art to have included the actuator cable storage spool for storing the actuator cable when the device is not in use as taught by Harrell onto the flange of the actuating device for a pressurized dispenser of Sena and Brody as combined above in order to secure the desired cable portion and for discharging the fluid from the container as taught by Harrell.

Citation of Related Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Davis (US 3,915,382), Vito (US 6,010,267) and Henderson (US 3,140,800) references also disclosed actuator cable storage spools attached to a flange. Taylor (US 6,364,177 B1), Bozzo (6,390,333) and Brody (US 5, 819,985) references also disclosed the nose and trigger portions of the actuator body. Gurule (US 6,450,423 B1), Bishop (US 3, 017,056), Hickson (US 3,856,209), Wilson et al (US

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5,096,244) and Nelson, Jr. (US 4,803,801) references also disclosed actuating devices for pressurized dispensers.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet Sonia Khaira whose telephone number is 571-272-7142. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mar Y. Michael can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7142.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



NK

Navneet Sonia Khaira
Examiner
Art Unit 3754



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